

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

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Dear Subscriber,

The **Supreme Court of Missouri** has ruled that there is **no constitutional prohibition** against carrying concealed firearms, thus **upholding the Legislature's override of Gov. BOB HOLDEN's veto** last year.

JOE WALDRON, Executive Director of the Citizens Committee for the Right to Keep and Bear Arms (CCRKBA) congratulated the high court for its **intellectual honesty** in reaching the decision over the arguments of anti-self-defense fanatics.

WALDRON also noted that the 5-2 ruling **allowed four counties to hold off on issuing permits** because their complaints included questions about **unfunded mandates** under the so-called "Hancock Amendment," which the rest of Missouri's counties did not. Sheriffs in the unrestricted counties have **already begun accepting concealed carry permit applications**.

WALDRON said that the legislature is already **working on a solution** to the unfunded mandate problem, so that law-abiding citizens everywhere in the state will soon be **free to defend themselves with concealed firearms**.

Less favorable news: a Sacramento Superior Court judge has **denied a preliminary injunction** to prevent the state attorney general's office from **destroying concealed-permit records**.

The suit was brought by CCRKBA and the Second Amendment Foundation to preserve records needed to prove that **concealed weapons permits were being issued unfairly**. A companion suit in **federal court** will be heard later this month.

A win for gun rights: The **U.S. Supreme Court** has ruled that a law enforcement officer can be held liable in court **for searching private property without a properly written warrant**, even in a case in which the officer tried to get the warrant right. The decision allows a Montana rancher to sue a BATF agent for searching his place for illegal weapons **based on a warrant that did not specify which arms he was looking for**.

Common sense: the **Washington State Supreme Court** has overturned the conviction of a 14-year-old boy for **felony harassment** in making the joke to a classmate in a public school, "I'm going to bring a gun to school tomorrow and shoot everyone, and start with you."

The narrow 5-4 decision fell on the side of common sense, ruling that the law's **irreasonable person's standard** applied to the case, and that anyone in the classmate's shoes would know her friend was not serious. The court left the boy subject to punishment by the school and by his parents, which they said is how it should have been handled in the first place, not in a trial court.

President BUSH has **trumped Senate filibusters** by using his Constitutional power to install Alabama Attorney General WILLIAM PRYOR on the federal appeals court on an **adjournment appointment** while Congress was not in session this Presidents Day holiday. BUSH gave PRYOR an **almost 2-year stint** on the 11th U.S. Circuit Court of Appeals in Atlanta, saying Democrats had used **unprecedented obstructionist tactics** to stop PRYOR and five other BUSH nominees. PRYOR was honored by the **Citizens Committee for the Right to Keep and Bear Arms** last October with the Defender of Gun Rights Award.

Also in this issue: ● *Canada's gun register gets pricey - again* ● *Drama in the Senate* ● *New York nixes gun fee increase* ● *Mississippi Senators can bring guns to the Capitol* ● *FBI bullet testing precision challenged* ● *Ordinary people who open fire in our Page Eight Parting Shot*

**ON THE
LEGAL
FRONT**

IS AUSTRALIA BECOMING A POLICE STATE?

Residents of the Australian state of Victoria **have surrendered almost twice as many firearms as expected** in a handgun buyback program, receiving \$21 million compensation. The buyback is a **joint initiative by the federal and state governments.**

Victorians have so far **handed in 18,814 guns to be destroyed**, far exceeding the Victorian Government's prediction that 10,000 guns would be given up.

Victorians have handed in more guns than shooters in any other state, 40 percent of the **46,072 weapons collected nationwide.** Residents have also handed in 228,063 gun parts. Almost \$60 million compensation has been paid nationwide.

Victorian Police Minister Andre Haermeyer attributed the better than expected haul to **many sporting shooters and gun collectors deciding to cash in on the offer** and sell their legal guns to the buyback program.

**AROUND THE
WORLD**

Australian authorities have notably **not commented on the lack of any crime statistics being lowered by the buyback program.** Local reports of increased crime rates in Sydney do not mention the buyback program, which appears to have no effect on crime.

In the state of New South Wales, Oxley Local Area Command police are conducting **surprise raids on the homes of registered gun owners** to determine whether the firearms are locked in a storage case as required under the Firearms Act.

Called, "weapon safety audits," the home invasions were legalized by making it a condition for obtaining a license that **gun owners would allow police onto their premises for safety inspections** without a warrant at any time.

CANADA IN UPROAR OVER GUN REGISTRY - AGAIN

Canada's controversial \$2 million gun registry program created nationwide outrage in 2002 **when its pricetag soared to \$1 billion.**

Now, inside sources have revealed that price has skyrocketed again: **nearly \$2 billion** has either been spent or committed to the federal program since it was introduced in the mid-1990s.

A large part of the \$2 billion expense is a computer system that's supposed to track registered guns, according to one document. Officials initially estimated **it would cost about \$1 million.** Expenses now hover close to \$750 million and the electronic system **is still not fully operational.**

A final battle is set to be waged this month, with a senior Liberal Member of Parliament telling constituents **the program may die of financial malnutrition** after a free vote in the House of Commons. A "free vote" in Canada's parliamentary system is one in which the government allows its party members to vote as they wish instead of following specific instructions from the Prime Minister.

The government appears to be ready to give up and allow a vote which would end funding for gun registration in Canada. Stay tuned.

INDIA

The Russian company Izhmash, original manufacturer of the world's best known rifle, the Kalashnikov AK-47, is complaining against India's state owned Ordnance Factory Board for **making unauthorized copies of the weapon.**

Andrei Vishyakov, the man who invented the AK-47 in World War II, saw the copy in OFB's pavilion at an arms fair in Delhi, and objected. The OFB says the weapon is different enough to count as a distinct design.

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GUN LAWSUIT LIABILITY BILL HIJACKED WITH SURPRISE OUTCOME

It started out as a strong Senate bill, S. 1805, to protect the firearms industry from frivolous nuisance lawsuits, but anti-gun Democrats said they would only support the measure if they could add just a few amendments to forward their own agenda.

DRAMA IN CONGRESS

The Bush administration supported the lawsuit liability protection bill strongly, but saw the Democrat tactic coming, and released a White House "Statement of Administration Policy," urging the Senate "to pass a clean bill, in order to ensure enactment of the legislation this year."

But Senate Democrats dirtied the bill as expected. The Senate voted to extend the Assault Weapons Ban another decade (52-47) and to require background checks on buyers at private gun shows (53-46).

Democrat presidential contenders John Kerry of Massachusetts and John Edwards of North Carolina broke away from the Super Tuesday campaign trail to cast votes - their first of the year - for the ban, showing its political importance.

So much for the Democrat campaign rhetoric about supporting gun rights.

Gun rights supporters should be aware that six Democrats voted against extending the ban: Max Baucus (MT), Ben Nelson (NE), Russ Feingold (WI), Mary Landrieu (LA), Zell Miller (GA) and Harry Reid (NV).

But ten Republicans broke party ranks and voted for the ban: John Warner (VA), Lincoln Chafee (RI), Peter Fitzgerald (IL), Mike DeWine (OH), Richard Lugar (IN), George Voinovich (OH), Susan Collins (ME), Judd Gregg (NH), Gordon Smith (OR) and Olympia Snowe (ME).

The good pro-gun bill had been weighed down with anti-gun poison pills.

Sen. Larry Craig (R-ID), the lawsuit reform bill's main sponsor, said, "Once again we're in a political season, and once again we're debating gun ownership."

The price of tort reform was going to be a gun ban and gun show restrictions.

Passing the tort reform measure was the year's top priority for the National Rifle Association and the Citizens Committee for the Right to Keep and Bear Arms, top national gun rights lobbying groups.

Both were unwilling to pay the price. Both wanted the whole mess killed. But they had always worked separately, and didn't know the other's views on the fast-moving developments in the Senate.

To complicate things, pro-gun Senate Republicans hoped the bill would get cleaned up in the House-Senate Conference where the bill was headed if it passed out of the Senate. They were willing to pass it.

It was time for drastic action. NRA Executive Vice-President Wayne R. LaPierre and Chris Cox, Executive Director, the NRA Institute for Legislative Action (ILA), called CCRKBA's chairman, Alan M. Gottlieb for an unprecedented closed-door conference call.

Once they understood each other's views, they took swift and unified action. News releases went out urging the Senate to kill the poison pill-laden bill.

The Senate got the message. Sen. Craig asked for a vote to kill his bill and the Senate complied, 90-8.

"Anti-gunners tried to hijack the train," quipped CCRKBA chairman Gottlieb, "and we hijacked it back."

He noted that anti-gun debate on the attempted amendments was so extreme that it stripped away the gun-friendly pretense Democrats have been laboring for more than two years to create.

"It is clear now that the Democrat leadership has never abandoned its anti-gun rights agenda. The Democratic leadership cannot be trusted. That goes especially for Sen. Tom Daschle of South Dakota. While he pledged to pass the bill, he spent his time working the floor to pass poison pill amendments so the bill would be killed on a final vote. In my opinion, there is no bigger snake in the Senate."

A lawsuit protection bill probably won't pass this year.

VIRGINIA

The Senate defeated SB 48, which would have placed a \$15 tax on any private transfer of a firearm at a gun show and forced sellers to register with the Virginia State Police. The rejected bill defined a gun show as any place where 25 or more guns are offered for sale, which could have made any collector's home a "gun show."

IN THE STATES

Also, the House of Delegates voted 80 to 20 in favor of HB 404, allowing holders of valid Virginia concealed carry permits to purchase more than one handgun a month.

KENTUCKY

SB 95, a bill to stop local governments from zoning against gun dealers and manufacturers, passed the Senate by a vote of 33-4. The legislation closed a judicially-created "loophole" in the state's 1984 preemption law that allowed local governments to discriminate in zoning.

Sponsored by Sen. Albert Robinson (R-21), SB 95 requires local governments to treat gun dealers and manufacturers in the same manner as they do all other businesses. The bill now heads for the House for consideration.

NEW YORK

The Republican-led Senate has rejected Republican Governor George Pataki's plan to require handgun licensees to pay a \$100 "certification" fee to the state; institute a 5-year expiration period for licenses (currently lifetime licenses); and charge a fee of \$25 for each handgun owned, as well as for amendments, transfers, and duplicates.

The rejected charges would be in addition to counties' fees, typically \$110 for a pistol permit. Pataki said the money was needed to offset the costs on enhanced criminal background checks for permit holders.

ILLINOIS

The Senate Judiciary Committee voted 6-4 to release a bill to the floor which would allow residents in communities that prohibit handgun ownership to use handguns in their home for self-defense, even though local law may bar them from owning the weapons in the first place. The bill resulted from the prosecution of Hale DeMar who shot an intruder in his home in Wilmette, which bans handguns.

The Senate also passed a measure allowing Amish to substitute fingerprints for photos on Firearm ID cards. Cleric Roy Headings of the Fairfield Amish Mennonite Church near Tampico said Amish avoid personal photos on religious grounds, feeling they encourage idolatry, but many Amish are avid hunters. The bill would allow Amish to use fingerprints instead of photos for positive identification, but a church leader must provide a letter of explanation for the religious exemption.

GEORGIA

The Senate unanimously passed a child-endangerment bill that would increase penalties for any adult who leaves a weapon in reach of a child, or commits other offenses against children. Violators can be charged with a felony and sentenced to up to 20 years in prison.

Georgia Gov. Sonny Perdue backed the bill, which now moves to a Georgia House of Representatives committee.

FLORIDA

SB 1156, a bill to make gun ranges immune from existing lawsuits by environmental regulators and shift cleanup costs to the state has advanced out of the Senate Comprehensive Planning Committee. The bill faces questions such as how to pay for the cleanup and possible limitations on the immunity from lawsuits.

A bill introduced by Rep. Dan Gerber (D-Miami Beach) would make it a second-degree felony for former felons and juvenile delinquents to possess ammunition. For career criminals, the charge for violations would be a first-degree felony.

MICHIGAN

The House unanimously approved a measure to allow gun enthusiasts to purchase antique handguns without a license or safety inspection. The legislation now goes to the Senate.

IN THE STATES

New residents who want to buy a handgun first must get a permit then have the firearm inspected by their local police department. The bill eliminates that requirement for pistols manufactured before 1898 and replicas of antiques that use black powder or obscure calibers.

MARYLAND

House Bill 45, to outlaw the sale of toy guns that look like the real thing and the sale of pellet and BB guns has been co-sponsored by Baltimore City Delegate Curt Anderson (D-District 43). Also, a bill imposing a state ban on so-called "assault weapons" failed to go to a vote in the Senate, but may return.

WISCONSIN

The Wisconsin Assembly has voted 65-34 to sustain Gov. Jim Doyle's veto of a concealed carry bill-one vote away from the required 66-votes needed for victory.

Joe Waldron, executive director of the Citizens Committee for the Right to Keep and Bear Arms, called the vote "a slap in the face and a sucker punch to the safety of every Wisconsin resident."

Republican leaders vowed to keep up the fight for concealed carry, and to oust from office those who helped defeat the bill.

MINNESOTA

State Sen. Wes Skoglund (DFL-Minneapolis) and Rep. Nora Slawick (DFL-Maplewood) are introducing legislation to repeal Minnesota's concealed carry law, although prospects for overturning it are virtually nil, with more than 15,000 permits already issued. Twin Cities Million Mom March is lobbying for repeal.

UTAH

Representatives have rejected House Bill 1666 on a 50-24 vote. The bill would have set new training standards for gun license applicants, who now have to show only "a general familiarity" with guns to get a concealed carry license.

MISSISSIPPI

The Senate gave 29 of its 52 members permission to bring firearms on state Capitol grounds. Sen. Ralph Doxley (D-Holly Springs) sought the exemption from Joint Rule 37, which prohibits firearms at the Capitol and grounds.

Many members who obtained the exemption frequently go directly to hunting areas from the Capitol, while others live many hours' drive away and want self-protection at night against crime in the capital city of Jackson.

NEW HAMPSHIRE

The Senate has voted 13-10 to let gun owners carry concealed weapons without a license. The Concealed Carry Permits bill brought little debate and obtained easy passage.

KANSAS

The House Federal and State Affairs Committee has voted 13-7 to send concealed carry legislation to the full House. The bill allows concealed carry except in government buildings and schools. A similar bill was passed in 1997 but vetoed by then-Gov. Bill Graves.

SOUTH DAKOTA

The Legislature has given final approval to a measure that makes it clear a governor cannot take away people's guns during a disaster or other emergency. SB 212, which had already passed the Senate, cleared the House unanimously.

GUN CONTROL REMAINS A LOADED ISSUE FOR DEMOCRATIC CANDIDATES

The rhetoric may be toned down, but the aim remains the same.

That's the view of John R. Lott Jr., author of "The Bias Against Guns," and Grover Norquist, president of Americans for Tax Reform.

GUNS IN THE NEWS

"Everyone seems to believe that Democrats have changed their minds on gun control," they wrote in a recent Los Angeles Times opinion piece.

They noted that just before the Iowa caucuses, John Kerry even took time out to shoot a pheasant. The gun control group Americans for Gun Safety calls it "taking the gun issue to the political center."

But when John Kerry heard the Senate was about to vote on extending the so-called assault weapons ban that outlaws many non-military firearms, he dumped the Super Tuesday campaign trail and jetted back to Washington to vote FOR the ban - the first time he voted this year.

That's what Democrats really mean by "taking the gun issue to the political center:" Talk good, vote bad.

This is the same John Kerry who told a campaign audience, "I believe that the Constitution, our laws and our customs protect law-abiding American citizens' right to own firearms....I believe that the right of gun ownership comes with responsibilities."

We see what that really means now.

"I support gun rights, BUT..."

Not the lawsuit liability protection bill.

Not the right to own any one of dozens of non-military rifles unjustly tagged "assault weapons."

Not the right to sell your own gun to another individual at a gun show.

Last year Democrat pollster Mark Penn produced surveys showing that if Democrats didn't show respect for the Second Amendment and support gun safety, voters would presume that they were anti-gun.

"The formula for Democrats," according to Penn, "is to say that they support the Second Amendment, but that they want tough laws that close loopholes. This is something Democrats can run on and win on."

Millions of gun owners will never believe another word John Kerry speaks.

That's something Democrats can bet on.

RELIABILITY OF FBI BALLISTICS TEST QUESTIONED IN NEW REPORT

A study by scientific experts has called into question the reliability of the method the FBI has used in some 2,500 investigations to trace bullets from crime scenes.

Officials at the FBI and the Justice Department said they would review the findings to determine whether past convictions should be re-examined.

A scientific panel of the National Research Council did a year-long study that found the FBI's procedure for comparing bullets was generally sound, but that its examiners had sometimes overstated its reliability in court testimony and had played down the likelihood of false matches.

Expert witness had sometimes asserted in court that chemical analysis could trace a bullet fragment to a factory batch or even a single box of bullets, but the panel's data did not support such an exact capability.

The FBI asked the research council to conduct the independent study after a metallurgist who had worked at the bureau publicly challenged the process used for matching bullet fragments at crime scenes to bullets found in the possession of suspects. The study cost the FBI \$300,000.

The panel recommended a number of ways the bureau could improve its methods for bullet testing. Dwight E. Adams, director of the bureau's laboratory, said the agency was likely to enact all of the changes.

But the Justice Department may decide to notify local prosecutors in some cases that the process has come under scrutiny. Defense lawyers have urged that all affected cases be re-examined.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Philadelphia:** Police Commissioner Sylvester M. Johnson has launched an investigation into why the department wrongly issued a gun permit to his second-in-command, Deputy Police Commissioner Robert J. Mitchell. Mitchell, 68, who was arrested in the 1950s on charges of impersonating a police officer, had twice been denied a gun permit by the state police. Despite the state police rejections in 1995 and 2003, someone in the Philadelphia Police Department gave a gun permit to Mitchell on both occasions, in violation of department rules.

● **New York City:** The *New York Times* has told its reporters that they may no longer carry a firearm while on assignment covering wars or other conflicts. Times journalists were also forbidden to travel with or accompany other journalists they know to be carrying weapons. The new company policy came despite an armed security adviser saving the lives of several CNN journalists traveling in a van when he returned fire against attackers in Iraq, who killed two journalists and wounded another before he could shoot back.

● **Virginia:** The Virginia Citizens Defense League is battling the Metropolitan Washington Airports Authority over a regulation banning guns on its property. The group is not trying to get guns into airports, but to allow law-abiding citizens to carry guns across small outlying portions of airport property such as the Reagan National Airport Metrorail station and the heavily traveled Dulles Access Road, and routes 28 and 606.

● **Buffalo:** Niagara County Clerk Wayne F. Jagow has announced that residents of the county's 12 towns no longer need to pay a \$5 fee for a criminal background check when they apply for a pistol permit. Jagow said the Sheriff's Department has trained his staff to perform the background checks, fingerprinting and photos themselves. Jagow said he is working on agreements with the city police departments in Lockport, Niagara Falls and North Tonawanda for similar arrangements, extending a "one-stop shop" concept to all county residents seeking pistol permits.

● **Omaha:** Prison inmate Michael McGuire, 54, who was serving time on robbery, kidnapping and rape convictions, escaped by brandishing a fake gun made of toilet paper, tape and black ink. He was captured four days later after a gunfight with police on a busy Omaha street. No one was injured in the shootout.

● **London, England:** Music lovers will be happy to know that a British-based company is selling MP3 players which can be attached to a genuine military assault rifle, the Kalashnikov Ak-47. The "AK-MP3" player is built into the ammunition clip of the firearm and can be swapped with the real magazine carrying bullets and inserted into the rifle. It comes with enough storage space to hold 3,000 audio books of 9,000 songs. Former Russian rock star Andrey Koltakov, a partner in the dotcom company offering the AK-MP3 for sale, said, "This is out bit for world peace. Hopefully, from now on many militants and terrorists will use their AK-47s to listen to music and audio books."

● **Bellevue, Washington:** The Second Amendment Foundation and the Citizens Committee for the Right to Keep and Bear Arms are cancelling their first planned conference in New York City because they're upset that an official denounced some of their views as "reprehensible." "If supporting gun rights is reprehensible, then we'll take our conference elsewhere," said Joe Waldron of CCRKBA.

● **Streatham, England:** Joanna Booth, widow of an expert on vintage shotguns for Sotheby's in London, had her husband's ashes loaded into cartridges and used by friends for the last shoot of the season on an estate in Aberdeenshire. Mrs. Booth felt her husband would have wanted his ashes scattered that way.

● **Lakeway, Texas:** The Second Amendment Sisters (SAS) will be standing up for the right of women to defend themselves in a Washington, D.C. event this May, called the Second Amendment Freedoms for Everyone Rally (SAFER). The women will attend the event at Freedom Plaza on East Pennsylvania Avenue.

Parting Shot

ORDINARY FOLKS WHO OPEN FIRE ON INTRUDERS

Carolyn Lisle, a 53-year-old Rancho Cordova, California woman, was watching TV with three friends and two dogs in her living room. They heard a loud noise at the sliding door and one of her male friends went to investigate.

Lisle knew the noise could mean nothing good, so she dashed to a back room, got her .357 revolver, and returned to find William Kriske, a 47-year-old parolee, smashing the glass in her sliding door and entering her garage. Her three friends fled the house.

Facing the intruder alone in her garage, she fired at Kriske but didn't hit him. She emptied the gun at him but didn't hit him once. He was still there, tearing up her garage.

She ran and got another gun, and came back to find him wrecking everything. She squeezed off more rounds, finally hitting him at least once. The bleeding intruder fled across the street and tried to hot-wire a motorcycle, but its owners, already armed to come to Lisle's aid, chased him off.

A California Highway Patrol officer stopped the suspect a short distance away and sheriff's deputies arrested Kriske. He was treated for a gunshot wound to the arm, then taken to jail and booked on suspicion of burglary and resisting arrest.

Lisle said, "I was trying to miss my furniture. Priorities, right?"

Far away, in Amarillo, Texas, Donald Lee Carr runs a little automotive shop connected to his home. About 5:30 one dark morning Carr woke up to the barking of his dogs and went to his office, where he saw someone run into a closet.

Carr fetched a .32-caliber semi-automatic pistol from his house and returned to the office, where he saw a man loaded up with stolen mobile phones, a video camera and chargers.

Carr told the intruder not to move, but the man attacked him. Carr fired one shot into the man's lower torso. The injured intruder was laying on the floor while Carr's wife called 911, then got up and ran.

Police caught the 41-year-old suspect outside and arrested him for burglary of a residence, then took him by ambulance to a local hospital for treatment of wounds not believed to be life-threatening.

Amarillo Police Cpl. Jerry Neufeld said the suspect assaulted Carr, who was defending himself. "We do not anticipate any criminal charges against Carr," he said.

What did Carr do then? Opened the automotive shop. "What do you do? I run a business." Thanks to his trusty .32.

Alan M. Gottlieb

Joseph D. Tartaro

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